

ASSEMBLY BILL

No. 1124

Introduced by Assembly Member Wyland

February 22, 2005

An act to amend Section 3550 of the Labor Code, relating to workers' compensation.

LEGISLATIVE COUNSEL'S DIGEST

AB 1124, as introduced, Wyland. Workers' compensation: notice.

Existing workers' compensation law requires employers to secure the payment of workers' compensation, including medical treatment, for injuries incurred by their employees that arise out of, or in the course of, employment.

Existing law makes it a misdemeanor for any employer subject to the workers' compensation provisions to fail to post and keep posted in a conspicuous location frequented by employees, and where the notice may be easily read by employees during the hours of the workday, a notice that states the name of the current compensation insurance carrier of the employer, or when such is the fact, that the employer is self-insured, and who is responsible for claims adjustment.

Existing law provides that failure to post the above notice shall automatically permit the employee to be treated by his or her personal physician with respect to any injury occurring during that failure.

This bill would delete that provision.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 3550 of the Labor Code is amended to read:

3550. (a) Every employer subject to the compensation provisions of this division shall post and keep posted in a conspicuous location frequented by employees, and where the notice may be easily read by employees during the hours of the workday, a notice that states the name of the current compensation insurance carrier of the employer, or when such is the fact, that the employer is self-insured, and who is responsible for claims adjustment.

(b) Failure to keep any notice required by this section conspicuously posted shall constitute a misdemeanor, and shall be prima facie evidence of noninsurance.

(c) This section shall not apply with respect to the employment of employees as defined in subdivision (d) of Section 3351.

(d) The form and content of the notice required by this section shall be prescribed by the administrative director, after consultation with the Commission on Health and Safety and Workers' Compensation, and shall advise employees that all injuries should be reported to their employer. The notice shall be easily understandable. It shall be posted in both English and Spanish where there are Spanish-speaking employees. The notice shall include the following information:

(1) How to get emergency medical treatment, if needed.

(2) The kinds of events, injuries, and illnesses covered by workers' compensation.

(3) The injured employee's right to receive medical care.

(4) The rights of the employee to select and change the treating physician pursuant to ~~the provisions of~~ Section 4600.

(5) The rights of the employee to receive temporary disability indemnity, permanent disability indemnity, vocational rehabilitation services, and death benefits, as appropriate.

(6) To whom injuries should be reported.

(7) The existence of time limits for the employer to be notified of an occupational injury.

(8) The protections against discrimination provided pursuant to Section 132a.

1 (9) The location and telephone number of the nearest
2 information and assistance officer.

3 ~~(e) Failure of an employer to provide the notice required by~~
4 ~~this section shall automatically permit the employee to be treated~~
5 ~~by his or her personal physician with respect to an injury~~
6 ~~occurring during that failure.~~

7 ~~(f)–~~

8 (e) The form and content of the notice required to be posted by
9 this section shall be made available to self-insured employers and
10 insurers by the administrative director. Insurers shall provide this
11 notice to each of their policyholders, with advice concerning the
12 requirements of this section and the penalties for a failure to post
13 this notice.